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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,189	09/13/2000	Hannes Eberle	53470.000038	8016

29315 7590 04/11/2003

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RESTON, VA 20190

EXAMINER

NOLAN, DANIEL A

ART UNIT PAPER NUMBER

2655

DATE MAILED: 04/11/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/661,189

Applicant(s)

EBERLE ET AL.

Examiner

Daniel A. Nolan

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 14 March 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Logan et al & Perrone**

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (U.S. Patent 5,721,827) in view of Perrone (U.S. Patent 6,157,705).

5. Regarding claims 1 and 11, Logan et al (Abstract) reads on the features, as:

- *Sensing a voice input command from the subscriber* (18<sup>th</sup> line).
- *Selecting at least one of a plurality of voice messages to deliver* (20<sup>th</sup> line).
- *A Content Delivery Module communicating with the Input Module to select messages to deliver to the subscriber* (column 1 lines 39-42) *according to command* (the “express request” of column 1 line 47).

While Logan et al might appear to “teach against” *initiating communication with subscribers*, he discloses the capability and describes precisely such an operation on a regular basis to notify of certain conditions (column 22 lines 60-63). Further, while it would appear to be obvious that this would be advantageous operation, Logan et al

does not mention that this command dialog would occur *during the voice service session*.

To offset against the possible ambiguity of the reference, further prior art of reference is provided with the *voice control of a server* from Perrone disclosing such an operation as the normal operation in an operational example (Abstract, lines 10-end), reading on the feature of *a call server initiating* (1<sup>st</sup> two lines col 13) *an outbound communication* (col 15 lns 37-43) *to a voice service subscriber to commence a voice service session*.

- Perrone further discloses that the voice input command would occur *during the voice service session* (depicted by the uninterrupted voice communication session of figure 4, repeated in the last line of column 16).
- It would be obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Perrone to the device/method of Logan et al so as to permit operation without unwieldy input and output keys and screens.

6. Regarding claims 2 and 12; the claims are set forth with the same limits as claims 1 and 11, respectively. Logan et al discloses that the sound card contains an *A/D converter* (column 3 line 24).

7. Regarding claims 3 and 13; the claims are set forth with the same limits as claims 1 and 12, respectively. Logan et al discloses that the sound card contains an *A/D converter* (column 4 line 22).

8. Regarding claims 4 and 14; the claims are set forth with the same limits as claims 1 and 13, respectively. Logan et al discloses the feature of *a communicating with the input module and the content delivery module and identifying the digital voice data as at least one of a plurality of predetermined commands* (as in column 32 line 27).

9. Regarding claims 5 and 15; the claims are set forth with the same limits as claims 4 and 14, respectively. Logan et al discloses the feature of *presenting voice message content according to the digital voice data* (as in column 10 line 48).

10. Regarding claims 6 and 16; the claims are set forth with the same limits as claims 5 and 15, respectively. Logan et al discloses the feature of *at least one voice command prompt to query voice input from the subscriber* (as in column 12 line 50).

11. Regarding claims 7 and 17; the claims are set forth with the same limits as claims 6 and 16, respectively. Logan et al (column 15 line 21) discloses the feature of *a sequence of voice command prompts*.

12. Regarding claims 8 and 18; the claims are set forth with the same limits as claims 7 and 17, respectively. Logan et al (in the Abstract) discloses the feature of a set of voice command prompts adaptively presented according to the digital voice data (in lines (lines 6-16)).

13. Regarding claims 9 and 19; the claims are set forth with the same limits as claims 1 and 11, respectively. Logan et al (column 10 line 9) reads on the feature of authenticating the subscriber for receipt of the voice messages.

14. Regarding claims 10 and 20; the claims are set forth with the same limits as claims 9 and 19, respectively. Logan et al (column 10 line 13) reads on the feature that the authentication comprises at least one of PIN verification and voice identification.

### **Conclusion**

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at (703) 305-4827.

The fax phone number for Technology Center 2600 is (703) 872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal communications as "EXPEDITED PROCEDURE".

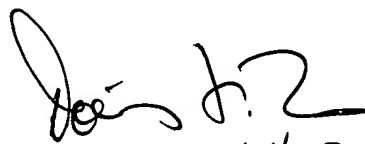
Formal response to this action may be faxed according to the above instructions, or mailed to: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or hand-delivered to: Crystal Park 2,  
2121 Crystal Drive, Arlington, VA,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan  
Examiner  
Art Unit 2655

DAN/d  
March 30, 2003

  
DORIS H. TO 4/14/03  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600